

Excerpts
Planning Commission Minutes
February 14, 2000

Richard and Mary Chapman: Request for a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize a 950 square foot accessory apartment in conjunction with a single-family detached dwelling on property located at 103 Winfree Lane and further identified as Assessor's Parcel No. 25-(27)-1. The property is zoned RR (Rural Residential) and is designated for Low-Density Residential uses in the Comprehensive Plan.

Ms. Olivia Wilkinson, with the aid of a brief video presentation, presented a summary of the staff report to the Commission containing a recommendation of approval.

The Chair opened the public hearing.

Mr. Richard Chapman and Ms. Mary Chapman, 103 Winfree Lane, offered to answer questions. They stated they have considered adding an interior electric staircase if needed at a later date.

Mr. Heavner inquired if any plans are made for using the lower floor of the garage as living space, and Mr. Chapman said the lower floor of the garage will not be used as a living area but for his mother-in-law's storage area and her vehicle.

Mrs. White inquired if the neighbors have expressed concerns about the proposal or if the proposed building will block someone's view. Mr. Chapman said he and Mrs. Chapman have received generally positive comments because the design and materials are closely coordinated with those of the main residence, and because they are looking out for their mother/mother-in-law. He said the building could block the view of somebody trying to look into their back yard. He said they do not intend to rent it out and would use it only for the stated purpose or, in the future, possibly for grown children.

The Chair closed the public hearing.

Mr. Heavner believed that the Commission should address enforcement because several of this type application have recently been submitted. He thought the Commission should address a way to ensure that such large homes with accessory apartments do not become "multi-family projects." Mrs. White added that enforcement continues to be her concern, as well.

Mr. Shepperd said there are reasons for limitations but there might be an opportunity for an elderly homeowner to draw income from such an accessory apartment. He added that he did not generally support unenforceable conditions.

Mr. Beil inquired about the number of accessory apartments currently existing in the County, and Mr. Cross explained that the County has a record of those that required Board of Supervisors'

approval but others are allowed as a matter of right for which there are no formal records. He said the intent of the use permit is to preserve the single-family character of the neighborhood, and the land-use concern is any resulting external impact on the neighborhood. If the neighborhood is negatively impacted, Mr. Cross stated, the neighbors will be expected to complain to the County. He said the Commission can address size limitations and at what size restrictions should be required.

Ms. White moved adoption of Resolution PC01-05 to recommend approval, which carried 5:0 (Messrs. Hendricks and Simasek absent).

PC01-05

On motion of Mrs. White, which carried 5:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE AN ACCESSORY APARTMENT IN CONJUNCTION WITH A SINGLE-FAMILY DETACHED DWELLING AT 103 WINFREE LANE

WHEREAS, Richard and Mary Chapman have submitted Application No. UP-569-01 to request a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an accessory apartment in conjunction with a single-family detached dwelling on property located at 103 Winfree Lane and further identified as Assessor's Parcel No. 25-(27)-1; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of February, 2001, that it does hereby transmit Application No. UP-569-01 to the York County Board of Supervisors with a recommendation of approval to issue a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, subject to the following conditions:

1. This use permit shall authorize an accessory apartment in conjunction with a single-family detached dwelling on property located at 103 Winfree Lane and further identified as Assessor's Parcel No. 25-(27)-1.
2. Building plans in substantial conformance with the preliminary floor plans and building renderings dated received January 3, 2001, submitted by the applicant shall be submitted to

and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities on the site.

3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. The accessory apartment unit shall not contain in excess of 950 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. The maximum combined number of bedrooms in the principal dwelling and the accessory apartment unit shall be four (4) unless otherwise specified by the Health Department based on a finding that on-site water supply and sewage treatment facilities either are not adequate to serve the anticipated number of residents or are adequate to serve a greater number of residents.
7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
8. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.
